

## **REMARKS**

The Office Action mailed on April 25, 2006 has been carefully considered. Claims 1-16 are pending in this application, with claim 1 being the only independent claim, and claim 6 being currently withdrawn from consideration. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

### **Claim Amendments**

Claim 1 is amended to recite "at least one damping valve arranged in the first piston and connecting the work space on the piston rod side to the work space remote from the piston rod" and "an amplitude-selective damping device providing damping separately from the at least one damping valve". Support for these limitations is, for example, found in previous claim 5 and at paragraphs 0013 and 0014 of the present application.

Claim 2 is amended to recite "switchable" according to the examiner's proposal.

Some minor linguistic modifications have been performed in claims 3 and 4.

Claim 5 is cancelled, since its limitations are now included in new claim 1.

Claims 7-16 are added. Claims 7-10 refer to the elected species, claims 11 and 12 refer to both species, and claims 13-16 refer to the non-elected species. Support for the limitations of claim 7 is found at paragraph 0014 of the application. Support for the limitations of claims 8 and 9 is found at paragraph 0016 of the application. Support for the limitations of claim 10 is found at paragraph 0014 of the application. Support for the limitations of claim 11 is found at paragraph 0015 of the application. Support for the limitations of claim 12 is found at paragraphs 0014 and 0020 of the application. Support for the limitations of claims 13-16 is found at paragraph 0020 of the application.

**Election/Restriction**

It is respectfully submitted that claim 1 is a generic claim. Both species of Figs 1 and 2 include the limitations of independent claim 1. Accordingly, upon allowance of independent claim 1, all claims which are currently withdrawn should be considered.

**Rejection of Claims under 35 U.S.C. §102**

Claims 1-5 stand rejected under 35 U.S.C. §102 as being anticipated by Koch et al. (US 6,296,089).

Claim 1 is amended to recite in more detail the internal structure of the inventive vibration damper and now recites "at least one damping valve arranged in the first piston and connecting the work space on the piston rod side to the work space remote from the piston rod" and "an amplitude-selective damping device providing damping separately from the at least one damping valve". Therefore, it should now be clear from the claim language that multiple separate damping mechanisms are included in the claimed vibration damper, one of which being constituted by the damping valve(s), and the other one comprising the housing, the second separating piston contained in the housing and separating the housing into the first work chamber and the second work chamber, and the bypass connecting at least one of the work spaces to the first work chamber.

To the extent that the above reference would be applied against the claims as presently amended, such rejection is traversed for the reasons following.

Koch discloses a locking device having a cylinder 3, in which a piston 5 affixed to a piston rod 7 divides the cylinder chamber into an upper working section 9 and a lower working section 11. The cylinder chamber is filled with a working medium. The piston 5 has a switching

ring 35 arranged between the two working sections 9 and 11. Only during retracting movement, i.e., when the piston rod 7 is moving into the cylinder 3, and above a defined retracting force the switching ring 35 opens an overpressure connection 37 between the two working sections 9 and 11 since it is moved by friction with the cylinder wall into a recessed switching ring groove 35a, which permits flow to occur behind the otherwise sealed switching ring. Further, the piston 5 includes a check valve 15 and a gate valve 27 between an interior of the piston and the upper working section 9. These valves 15 and 27 are generally closed by respective springs and only open subsequently during an extending movement of the piston rod 7 due to the fluid pressure in the upper working section 9 thereby allowing fluid to flow from the upper working section 9 through an accumulation chamber 31 and through a section 13a into the lower working region 11.

From the office action, it could not be derived which embodiment of Koch the examiner referred to in his comparison with the present invention. Therefore, it is difficult to argue the raised issues in detail. However, the structure of the locking devices shown in Koch and the related purpose of their use are totally different from the claimed invention which has been more explicitly pointed out by adding the above additional limitations to claim 1.

First, Koch clearly does not show any damping valve, since the two valves 15 and 27 and the valve-like switching ring 35 only open in one direction and do not serve for damping purposes. Further, Koch does not disclose an amplitude-selective damping device providing damping separately from a damping valve, in particular no damping action in a housing in which a second separating piston is contained. Due to these major differences, the invention as presently claimed is clearly not anticipated by Koch.

Dependent claims 2-16, being dependent on independent claim 1, are allowable for at least the same reasons as is independent claim 1, as well as for the additional recitations contained therein.

The claims as amended being definite and patentable over the art of record, withdrawal of the rejections and early allowance are solicited.

If any objections remain, a call to the undersigned is requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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